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UNCLAS SECTION 01 OF 02 KINSHASA 001573

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SUBJECT: UPDATED CHILD LABOR INFORMATION

REF: A. SECSTATE 163453

[B](#). 03 KINSHASA 2100

[1](#)1. Summary. The GDRC has made nominal efforts to comply with international calls for child labor reform. The resulting legislation provides a proper framework to fight the worst forms of child labor. However, a lack of financing, personnel, transparency, and government follow-through has left the status quo relatively unaltered. As long as the DRC's socioeconomic climate provides numerous incentives for and few alternatives to exploitative child labor, such practices will continue in the DRC. End Summary.

#### CHILD LABOR LEGISLATION IN THE DRC

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[1](#)2. The GDRC ratified ILO Convention 182 on March 28, 2001. On October 16, 2002, the GDRC passed law 015/2002, which mandated sweeping changes to the DRC's labor codes, especially relating to child labor. The law also called for the establishment of a national committee on child labor to coordinate the GDRC's fight against the worst forms of child exploitation. (Note. National Labor Commission (NLC) approval and various ministerial decrees are still required before law 015/2002 can go into effect. In the meantime, the national committee on child labor has been established, but has yet to be integrated into ministry-level policy work or conferred any investigative or punitive powers. End Note.)

[1](#)3. In addition to the establishment of the national committee on child labor, technical highlights of law 015/2002 include:

--Establishment of a minimum age for employment, including apprenticeships, of 15 years.

--Definition of the worst forms of child labors as: a) all forms of slavery or slavery-like conditions, including trafficking of children, mandatory or forced labor, and forced military enrollment; b) use or recruitment of a child for prostitution, the production of pornography, or pornographic performances; c) work that might prejudice the child's health, security, dignity, or morality; and d) the use of children for illicit activities, especially in drug production or trafficking.

--Establishment of a penalty of six months imprisonment and a fine of FC 30,000 (about USD 80) for each count of a child labor conviction.

[1](#)4. Comment. A legal framework to fight the worst forms of child labor has been established in the DRC. However, initial high-level support for actual reform has waned. Law 015/2002 is significant, but packs little punch without NLC approval and ministerial backing. GDRC sources claim that the NLC and ministries of Labor, Social Affairs, and Family are "reviewing" the legislation. End Comment.

#### APPLICATION AND ENFORCEMENT OF LAWS

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[1](#)5. The DRC Ministry of Labor investigates child labor abuses through its Inspection Generale du Travail (General Labor Inspection Service). There are currently no inspectors specifically devoted to child labor, but the Ministry of Labor plans to create group of specialized child labor inspectors in its decree pursuant to law 015/2002.

[1](#)6. No specific information is available on the number of labor inspectors employed by the GDRC. (Comment. No specific information is available on the number of employees in most GDRC offices. This is due to the general haziness of the civil service payroll, which has not been audited since shortly after independence. Many employees work without pay, and many receive pay without working. End Comment.)

[1](#)7. Child labor complaints are currently handled by the DRC's penal courts. This responsibility is set to be transferred to the national commission on child labor once it is approved by the NLC. (Comment. Child labor law enforcement mechanisms often fall prey to the DRC's endemic corruption. Shifting authority from one inspection body to another will have little effect without an attendant increase in financing and accountability. End Comment.)

## RELATED POLICIES AND PROGRAMS

18. In recent months, the GDRC and the Congolese Armed Forces (FARDC) have demobilized large numbers of child soldiers, implemented procedures for the issuance of official demobilization certificates, and carefully considered the needs of children associated with armed groups in the planning and implementation of the World Bank-funded national disarmament, demobilization and reinsertion (DDR) program. The GDRC has also cooperated with MONUC investigations into cases of abuse against children, particularly child soldiers and children in prostitution. However, there is much work left to be done throughout the country. There are still a significant number of child soldiers within the ranks of the FARDC, a large number of girls engage in prostitution in order to earn money to survive, and an unknown number of children work in artisanal mining. In addition, in areas not under central GDRC control, including parts of North and South Kivu provinces and the Ituri district of Province Orientale, the forcible recruitment of children by rebel groups continues.

19. Compulsory education to age 15 is official policy in the DRC, but, in practice, education is available only to those who can afford it. UNDP statistics indicate a primary school enrollment rate of 35 percent and a secondary school rate of 12 percent as of 2001/2002. Children in the DRC receive an average of 4.3 years of schooling. (Comment. Most families who can afford to send children to school choose to send their male child(ren), presumably in the belief that they will have a better chance of obtaining future employment. This results in a severe gap in education levels between males and females in the DRC. End Comment.)

## COMMENT AND PROGRESS REPORT

10. The DRC has largely fulfilled the statutory requirements for compliance with ILO Convention 182. Enforcement, however, is lax due to institutionalized corruption and bureaucratic disorganization. Nevertheless, the DRC has made progress in sensitizing its population to child labor issues. International pressure, work with MONUC's child protection program, and the presence of various children's rights NGOs have laid a foundation for more effective implementation of existing laws as bureaucratic competency increases and economic conditions improve.

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